

REMARKS

In response to the above identified Office Action, Applicants respectfully request reconsideration thereof.

Double Patenting

Claims 60-62 and 65-68 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 5,940,738 to Rao et. al., in view of U.S. Patent No. 5,029,333 to Graves et. al., and in further view of U.S. Patent No. 4,533,948 to McNamara, et al.. Applicants respectfully traverse this rejection for the reasons set out below, and request reconsideration of the above identified claims.

The digital information distribution system defined in claim 60 indeed comprises a digital information stream server as defined in claim 15 of US 5 940 738. However, it further comprises a network interface of a particular type not disclosed in any of the cited prior art references. Nor is such a network interface derivable in a manner obvious to the skilled person through a combination of features derivable from the prior art references. Furthermore, US 5 029 333, whilst disclosing a network interface, teaches away from the invention as defined in claim 60, so that there is no motivation, suggestion or incentive to modify the network interface to arrive at a network interface as employed by the invention.

~~US 5,940,738~~ ^{5,029,333 Au} teaches a digital information distribution system comprising 'conventional narrowband active pedestal equipment' (column 10, lines 38-39). Upstream communications from the subscriber units are simply relayed to the

appropriate digital terminal supplying digital information streams. Verification of a subscriber's entitlement to receive a channel is effected by a broadband control unit 66 in the digital terminal (column 10, lines 29-33). To handle contention among different subscribers, control channel communications are effected either in accordance with polling by the broadband control circuit 50 or using TDMA (column 8, lines 57-63).

Therefore, ^{5,029,333 AU} ~~US 5,940,738~~ discloses a complete system that is able to honor requests by entitled and non-entitled subscribers and to control the use of bandwidth in the ^{5,029,333 AU} ~~US 5,940,738~~ upstream direction. The pedestal of ~~US 5,940,738~~ does not comprise request relay means for relaying only requests from privileged subscriber units for a digital information stream to a digital stream server. Instead, it comprises a stored provisioning map, which is used to couple a bearer channel to a subscriber's broadband interface (column 9, lines 63-65). According to ^{5,029,333 AU} ~~US 5,940,738~~, this has the advantage that 'no real-time switching takes place within the active pedestal' (column 9, line 65). Thus, the disclosure of ^{5,029,333 AU} ~~US 5,940,738~~ dissuades the skilled person from modifying the pedestal to include request relay means for relaying only requests from privileged subscriber units to a digital information stream server. Such request relay means, namely, would imply switching *in* the pedestal, as well as a new type of pedestal, with the consequent costs of upgrading (see column 10, lines 40-42).

US 4,533,948 does not disclose a network interface between a first and second communication network comprising request relay means for relaying only requests from privileged subscriber units for a digital information stream to a digital information stream server. Rather, it discloses a system permitting an individual subscriber terminal

to transmit a message to any other subscriber terminal within a cable television system (column 4, lines 19-22), i. e., within one network. The only node in the network performing any selection is a headend, which is located at the top of an inverted tree (column 3, line 64-66), which implies that it is connected to one network only. Furthermore, the selection *is* done as a result of requests directed to the headend, which requests are requests for establishing a two-way connection between one subscriber terminal and another (column 5, lines 3-7 and column 8, lines 23-25).

In summary, neither of the two mentioned publications discloses request relay means for relaying only requests from privileged subscriber units for a digital information stream to a digital information stream server. The only publication disclosing a network interface between a first communication network, onto which a digital stream server can transmit digital information, and a second communication network, to which subscriber units are connected, gives reasons for not including such request relay means *in* the network interface.

By means of the combination of features of claim 60, an advantage is achieved, in that the amount of digital information (as opposed to digital information streams) is maximized. The digital information stream server transmits a digital information stream *in* response to a request for it and digital information otherwise. By including the selective request relay means, the number of requests for the digital information stream is limited, so that more of the digital information can be transmitted. This is done without large numbers of requests being transmitted in the upstream direction from the subscriber units to the information stream server. Thus, a new, advantageous,

synergetic effect is achieved, which is not achieved by any of the distribution systems disclosed in US 4,533,948 and US 5,029,333, nor achievable by the mere use of a digital information stream server as defined in claim 15 of US 5,940,738. The invention as defined in claim 60 of the present application is therefore patentably distinct from the invention as claimed in claim 15 of US 5,940,738.

Claims 61-62 and 65-68

Claims 61-62 and 65-68 are fully dependent on claim 60, and relate to a system comprising all the features of claim 60. It is therefore submitted that the subject matter of these claims is also patentably distinct from claim 15 and its dependent claims as recited in US 5 940 738.

In final summary, Applicants believe that all rejections presented in the Office Action have been fully addressed and withdrawal of these rejections is respectfully requested. Applicants furthermore believe that all claims are now in a condition for allowance, which is earnestly solicited.


If there are any additional charges, please charge Deposit Account No. 02-2666.

If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André L. Marais at (408) 947-8200.

Respectfully submitted,

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